

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

TQP DEVELOPMENT, LLC,

Plaintiff,

v.

**TCF FINANCIAL CORPORATION et
al,**

Defendants.

Civil Action No. 2:12-cv-70-MHS-RSP

JURY TRIAL DEMANDED

STIPULATED MOTION FOR DISMISSAL WITH PREJUDICE

The plaintiff TQP Development, LLC and defendant TCF National Bank d/b/a TCF Bank pursuant to Fed. R. Civ. P. 41(a)(2) and (c), hereby move for an order dismissing all claims in this action WITH PREJUDICE, subject to the terms of that certain agreement entitled “AGREEMENT” and dated January 4, 2013, with each party to bear its own costs, expenses and attorneys’ fees.

SO STIPULATED:

Dated January 8, 2013.

Respectfully submitted,

By: \s\ Jonathan R. Spivey
Jonathan R. Spivey (Texas Bar No.
24002989)
BRACEWELL & GIULIANI LLP
711 Louisiana Street, Suite 2300
Houston, Texas 77002
Telephone: (713) 221-1227
Facsimile: (312) 832-4700
Email: Jonathan.Spivey@bglp.com

**Attorney for Defendant
TCF NATIONAL BANK**

By: \s\ Adam S. Hoffman
Adam S. Hoffman
Marc A. Fenster, CA SB No. 181067
Email: mfenster@raklaw.com
Kevin P. Burke, CA SB No. 241972
Email: kburke@raklaw.com
Adam S. Hoffman, CA SB No. 218740
Email: ahoffman@raklaw.com
Alexander C.D. Giza, CA SB No. 212327
Email: agiza@raklaw.com
Russ August & Kabat
12424 Wilshire Boulevard, 12th Floor
Los Angeles, CA 90025
Telephone: (310) 826-7474
Facsimile: (310) 826-699

	<p>Hao Ni Texas Bar No. 24047205 hni@nilawfirm.com Ni Law Firm, PLLC 8140 Walnut Hill, Ste. 310 Dallas, TX 75231 Telephone: 972.331.4602 Fax: 972.314.0900</p> <p>Andrew W. Spangler, State Bar No. 24041960 Email: spangler@sfipfirm.com Spangler & Fussell P.C. 208 N. Green St., Suite 300 Longview, TX 75601 Telephone: (903) 753-9300 Facsimile: (903) 553-0403</p> <p>James A. Fussell, III, State Bar No. 2003193 Email: fussell@sfipfirm.com Spangler & Fussell P.C. 211 N. Union Street, Suite 100 Alexandria, VA 22314 Telephone: (903) 753-9300 Facsimile: (903) 553-0403</p> <p>Attorneys for Plaintiff TQP DEVELOPMENT, LLC</p>
--	---

CERTIFICATE OF SERVICE

I hereby certify that on the 8th day of January, 2013, I electronically filed the foregoing document with the clerk of the court for the U.S. District Court, Eastern District of Texas, Marshall Division, using the electronic case filing system of the court. The electronic case filing system sent a "Notice of Electronic Filing" to the attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means.

/s/ Adam S. Hoffman
Adam S. Hoffman